



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ♦ Ellicott City, Maryland 21043 ♦ 410-313-2350

Marsha S. McLaughlin, Director

www.co.ho.md.us
FAX 410-313-3467
TDD 410-313-2323

TECHNICAL STAFF REPORT

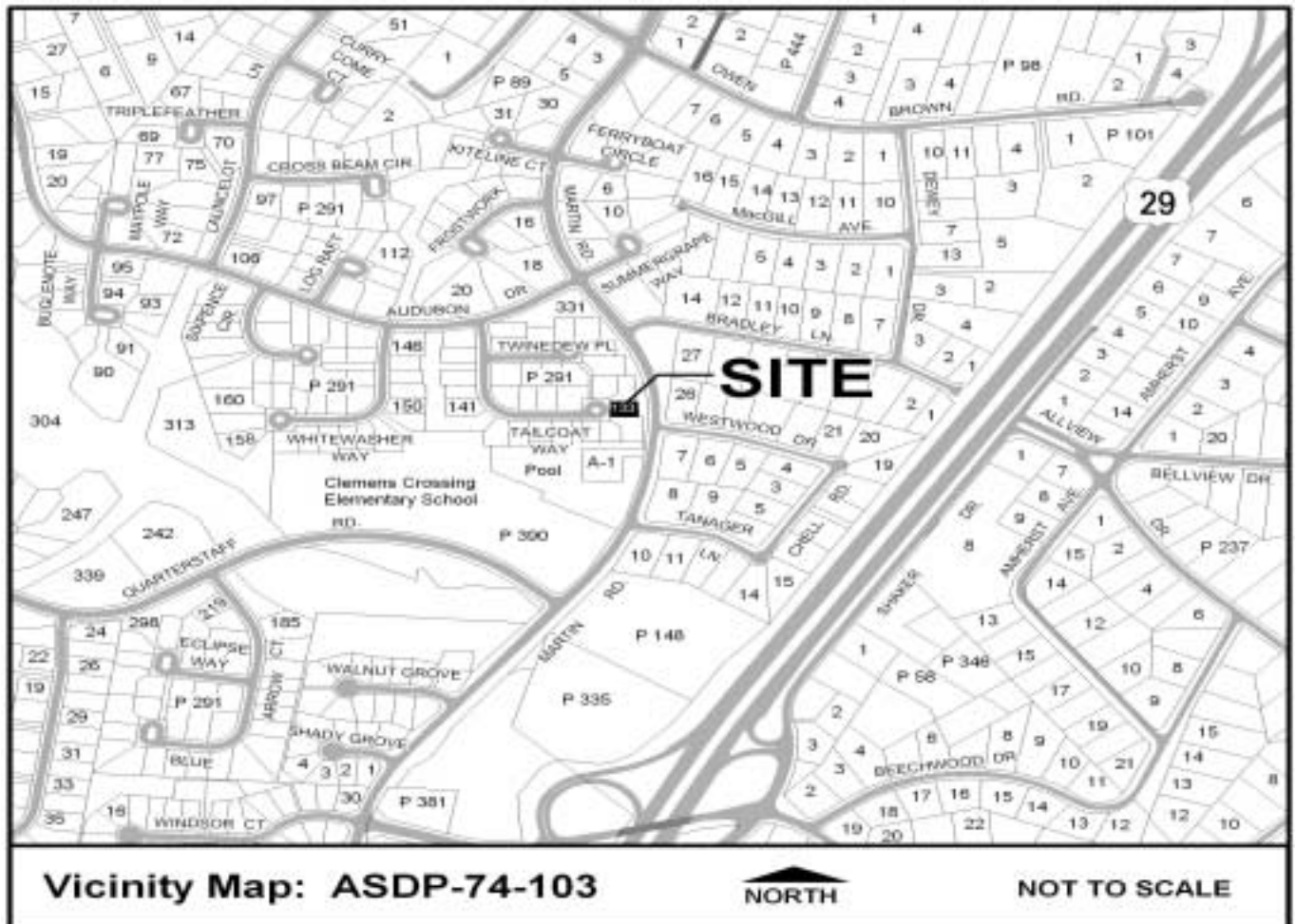
Planning Board Meeting of January 31, 2008

Case No./Petitioner: ASDP-74-103c, Village of Hickory Ridge, Section 1, Area 2, Lot 133
Ray Hallmark, Applicant

Subject: Amended Site Development Plan

Request: Owner requests to amend the Site Development Plan to allow an existing eight-foot (8') fence within the Building Restriction Lines on Lot 133 to remain. The amendment would reduce the structure setback for the fence 7.5' to 0' relative to the rear lot line and from 7.5' to 2' relative to the northern lot line.

Location: The subject site is identified as Lot 133 of the Village of Hickory Ridge, Section 1, Area 2, containing approximately 7,000 sq.ft. of land zoned NT with a Single Family Low Density (SFLD) land use designation, situated at the end of the cul-de-sac of Tailcoat Way (east of the terminus), located on Tax Map 35, Grid 18, Parcel 291, also identified as 10351 Tailcoat Way, Columbia, MD.



1. BACKGROUND INFORMATION:

A. Site Description

In accordance with Final Development Plan (FDP) Phase 136-Part 1 -A-1, the subject lot and the surrounding residential lots are zoned New Town, Single-Family Low Density.

The adjacent properties to the north and south (Lots 131 and 132 to the north and Lots 134 and 135 to the south) are developed with single-family detached dwellings. To the rear or east of the subject property is a portion of Open Space Lot 308. Further east of Open Space Lot 308 lies the 60-foot wide right-of-way for Martin Road (a major collector). Open Space Lot 308 is approximately 32' wide between the edge of the Martin Road right-of-way and the property line for Lot 133.

B. History

In accordance with the recorded FDP, a fence measuring 6' or greater in height is considered a structure. As such, it must meet the specified structure setbacks, which in this case are 7.5' from the rear and side lot lines. The Final Development Plan states that *"structures may be constructed at any location within such setback areas provided all structures and construction is developed in accordance with a site development plan approved by the Howard County Planning Board."*

An 8' privacy fence was installed along the property line of Lot 133 approximately 11 years ago (see Attachment A). The fence consists of 7' long boards and 1' long lattice material that was added for additional screening as well as to provide a visual break along the top of the fence line. The Hickory Ridge Architecture Committee approved the height and location of the fence in 1996. The Hickory Ridge Architecture Committee approved an additional segment to the side of the fence in 1998 to improve its stability. As constructed, the fence is located on the rear lot line and 2' within the northern lot line.

At the time of this approval by the Architecture Committee, the fence exceeded the maximum fence height (6') permitted by the Hickory Ridge Covenants as well as by Final Development Plan Phase 136. However, the Architecture Committee approved the additional height because:

"(Mr. Hallmark's) property sits appreciably lower than Martin Road and the sidewalk, and there is a thirty-foot buffer of Columbia Association Open Space between his property line and the sidewalk. The committee believed that the Hallmarks needed the additional height to give them some privacy from the roadway. The wide Open Space buffer lessened the visual impact of the fence on Martin Road drivers and walkers." (See Attachment B)

On August 7, 2007, DPZ issued a zoning violation. To address the zoning violation, the property owner filed an application for an Amended Site Development Plan, ASDP -74-103c, requesting a reduction of the structure setback for the fence from 7.5 from any property line to 2' on the north and 0' on the east property lines. The applicant also requested the Hickory Ridge Architecture Committee review the case. The committee affirmed their previous approval of the fence at their August 24, 2007 meeting. See Attachment B for additional information.

2. EVALUATION AND CONCLUSIONS:

- A. The petitioner has requested that the structure setback for the fence be adjusted in order to allow the existing fence to remain in its existing location and at its existing height. This change must be evaluated

for its compliance with the following criteria set forth in Section 125.E.4.d (1) and (2) of the Zoning Regulations (adjustments to bulk regulations for individual lots):

- (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare:**

There is an approximately 30' deep open space lot between Lot 133 and Martin Road (see Attachment C) with mature trees and thick ivy growth (see Attachment D). Furthermore, as discussed in the previous section, the sidewalk and road is approximately 3' higher in grade than the fence and subject lot. The fence has been in place for approximately 11 years. Since that time, the ivy that was planted as groundcover in the Hickory Ridge open space has grown on the fence, fully integrating the fence with the open space.

Because of the setback from the road and the mature vegetation, there is no negative visual impact. In fact, the removal of the fence, or a reduction to its height would have a significant detrimental impact on the integrity of the open space and the views from Martin Road. As documented within the owner's application for the Amended Site Development Plan, the vicinal property owners and the Architectural Committee support the retention of the existing fence. Neighborhood support for the fence remaining at the height and location as it currently exists has been expressed via signature in a Statement of Support (see Attachment F).

- (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria:**

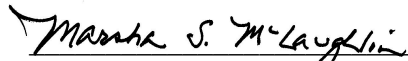
The fence was installed along the property line instead of at the 7.5' setback due to the proximity of the rear of the house to the rear property line and the difference in elevation between the right-of-way and the Lot 133 property line. A location survey conducted on May 25, 1993 shows the house is 41' from the Martin Road right-of-way (see Attachment E). The open space lot between lot 133 and the Martin Road right-of-way is approximately 30' at its narrowest point, making the distance between the home and the property line approximately 11.5 feet. Installing the fence at the dictated setback of 7.5 feet would leave approximately 4 feet of usable backyard.

The existence of a fence on this property is preferred to no fencing to reduce visual impact of the residence along the Martin Road right-of-way. Just as important, a fence is important to the homeowners in order to maintain privacy from the busy pedestrian and vehicular traffic on Martin Road. Installing the fencing at or closer to the setback line would severely restrict the usability of the rear yard. For similar reasons of privacy and visual impact, an additional 2' feet in height was approved by the Hickory Ridge Architectural Committee to compensate for the change in grade between the right-of-way and the subject property. To reduce visual monotony and impact of the fence, one foot of the fence at the top is constructed of lattice and trim, which leads to an aesthetic touch.

THIS FILE IS AVAILABLE FOR PUBLIC REVIEW AT THE DEPARTMENT OF PLANNING AND ZONING'S PUBLIC SERVICE CENTER, MONDAY THROUGH FRIDAY, 8:00 A.M. UNTIL 5:00 P.M.

3. RECOMMENDATION:

Based upon the above findings, the Department of Planning and Zoning recommends that the Planning Board approve the Amended Site Development Plan for the reduction of the northern side and rear setbacks to 2' and 0' respectively, for maintenance of the location of an existing fence for Lot 133 of the Village of Hickory Ridge, Section 1, Area 2.


Marsha, McLaughlin, Director

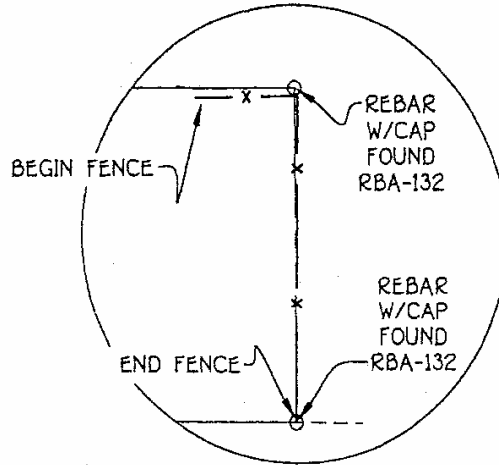
1/17/08
Date

MM: jmf

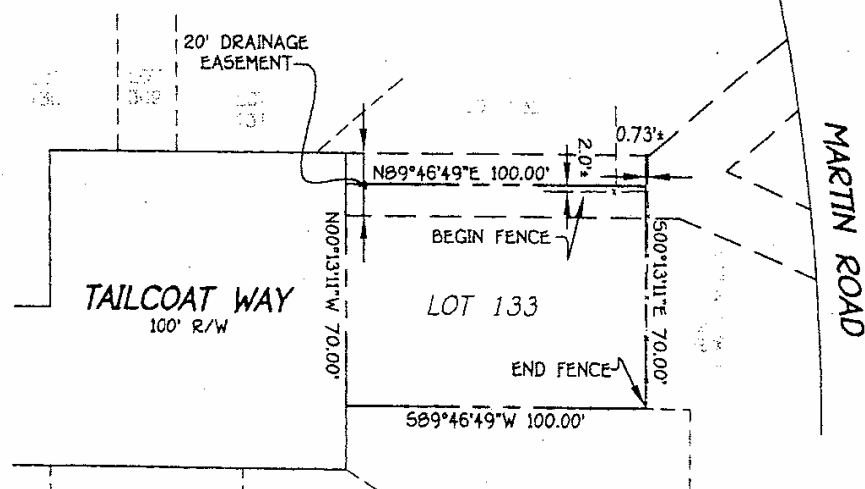
ATTACHMENT A: FENCE LOCATION SURVEY

GENERAL NOTES:

NO TITLE REPORT FURNISHED. SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND CONDITIONS OF RECORD.



DETAIL: NOT TO SCALE



LOT 133
VILLAGE OF
HICKORY RIDGE
COLUMBIA
FIFTH ELECTION DISTRICT
HOWARD COUNTY, MARYLAND
PLAT *25/30

FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTENIAL SQUARE OFFICE PARK • 10272 BALTIMORE NATIONAL PLE
ELICOTT CITY, MARYLAND 21042
H&B 481 • 2855



Mark L. Bode 11/30/07
PROFESSIONAL LAND SURVEYOR

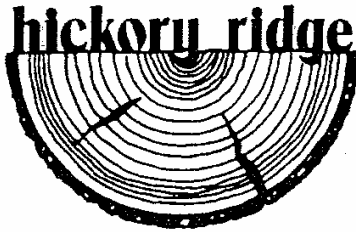
HOUSE LOCATION DRAWING

FOUNDATION LOCATION:
FINAL LOCATION:
BOUNDARY SURVEY:

SCALE: 1"=40'
DATE: 11/30/07
DRAWN BY: [signature]

FCC •

**ATTACHMENT B: HICKORY RIDGE COMMUNITY ASSOCIATION
ARCHITECTURAL APPROVAL**



Hickory Ridge Community Association

6175 Sunny Spring, Columbia, Maryland 21044

410-730-7327 (Voice) • 410-992-5843 (FAX)

E-mail: hickoryridge@columbiavillages.org

August 24, 2007

Howard County Department of Planning and Zoning
Division of Public Service and Zoning Administration
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Case Number ZC-07-077
10351 Tailcoat Way

Dear Sir/Madam:

In 1996 the Hickory Ridge Architectural Committee approved Ray Hallmark's application for an eight-foot privacy fence on his rear property line. Although our committee normally does not permit fences over six-foot in height, they thought Mr. Hallmark's situation deserved an exception.

His property sits appreciably lower than Martin Road and the sidewalk, and there is a thirty-foot buffer of Columbia Association Open Space between his property line and the sidewalk. The committee believed that the Hallmarks needed the additional height to give them some privacy from the roadway. The wide Open Space buffer lessened the visual impact of the fence on Martin Road drivers and walkers.

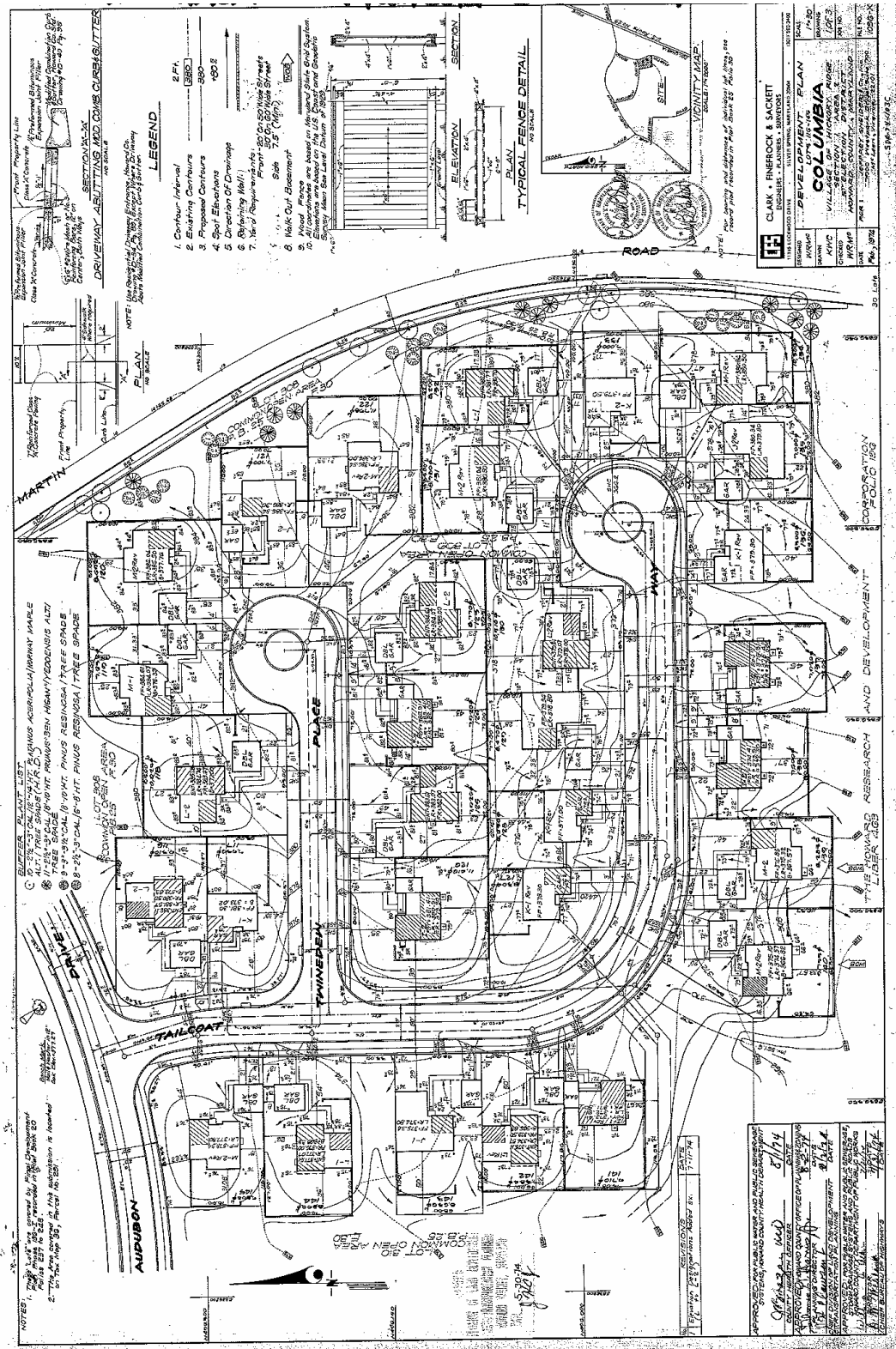
At their August 22, 2007 meeting, the Architectural Committee discussed Mr. Hallmark's notice from your department. Several members remembered the case clearly, because Mr. Hallmark attended the 1998 meeting to explain his extenuating circumstances. They still agree that the Hallmarks need the additional height.

If you have any questions, feel free to contact me at the above number.

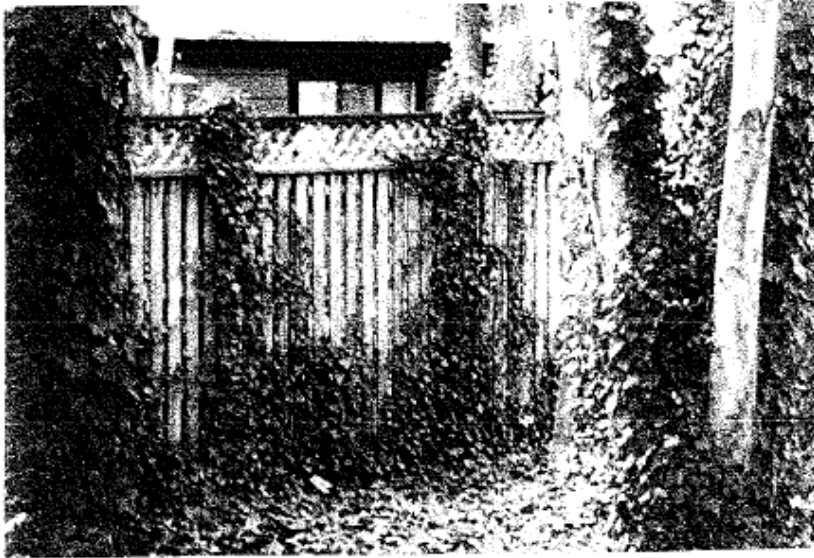
Sincerely,


Jane Parrish
Village Manager

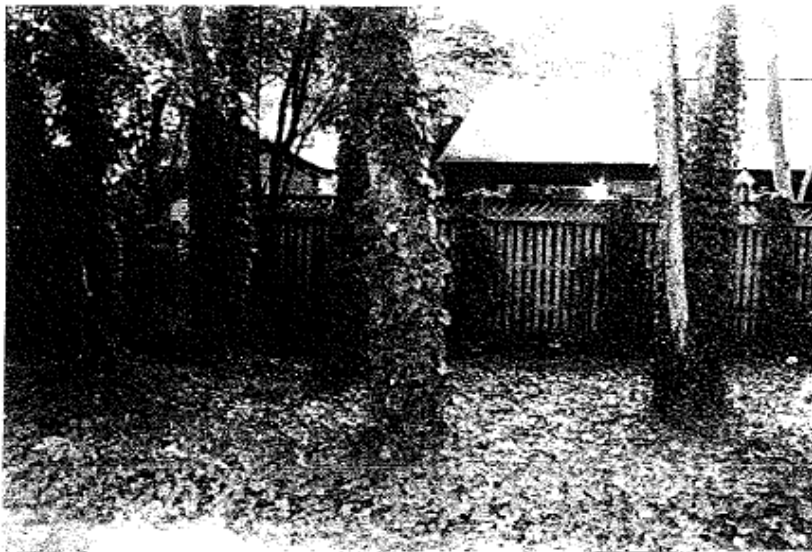
C-1



**ATTACHMENT D: PHOTOGRAPHS OF SITE,
FENCE AND INTEGRATION OF OPEN SPACE**

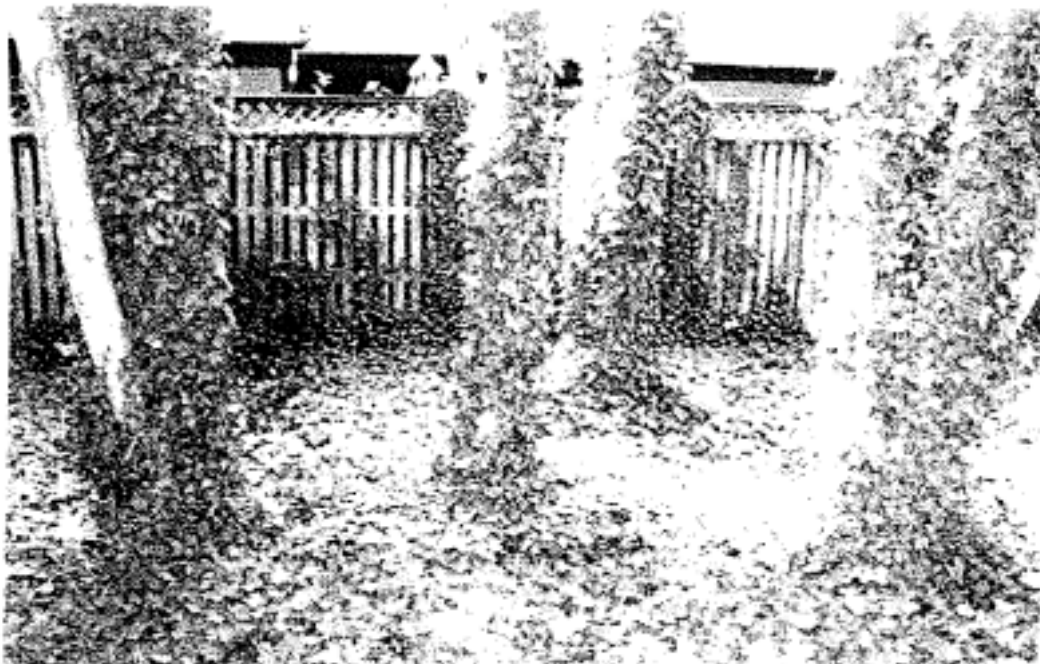


Even with the fence being 8 feet high, the Master Bedroom windows (picture above) and Den window (picture below) can be viewed from the sidewalk on Martin Road. Shortening the fence to 6 feet (removal of the lattice plus a portion of the fence equal to the height of the lattice) would fully expose the windows and deck on the back of the house, essentially rendering the privacy aspect of the fence useless.





These pictures of fence at 10351 Tailcoat Way (Lot #133) are as viewed from opposite side of Martin Road and from the sidewalk on Martin Road. The fence was constructed with quality (by Long Fence) based on the covenant-preferred board-on-board design with a decorative lattice on the top to 'soften' the look. The fence has been integrated into the natural aspect of the adjoining 'open space' with the growth of the ivy. From Martin Road and the sidewalk, the fence is aesthetically pleasing and much more appealing to view than the back-side of the house.





**ATTACHMENT E: 1993 LOCATION SURVEY
AND 2007 SKETCH OF SITE**

ASBP-74-103C

This is to certify that I have surveyed the property known as Lot 133
10351 TAILCOAT WAY
sheet of recorded plat of 25 No. 30 among the
Land Records of Howard County, Maryland for the
purpose of locating the improvements thereon.

THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE
CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS
NOT TO BE USED TO ESTABLISH PROPERTY LINES.



Carl Budd, PLS#96

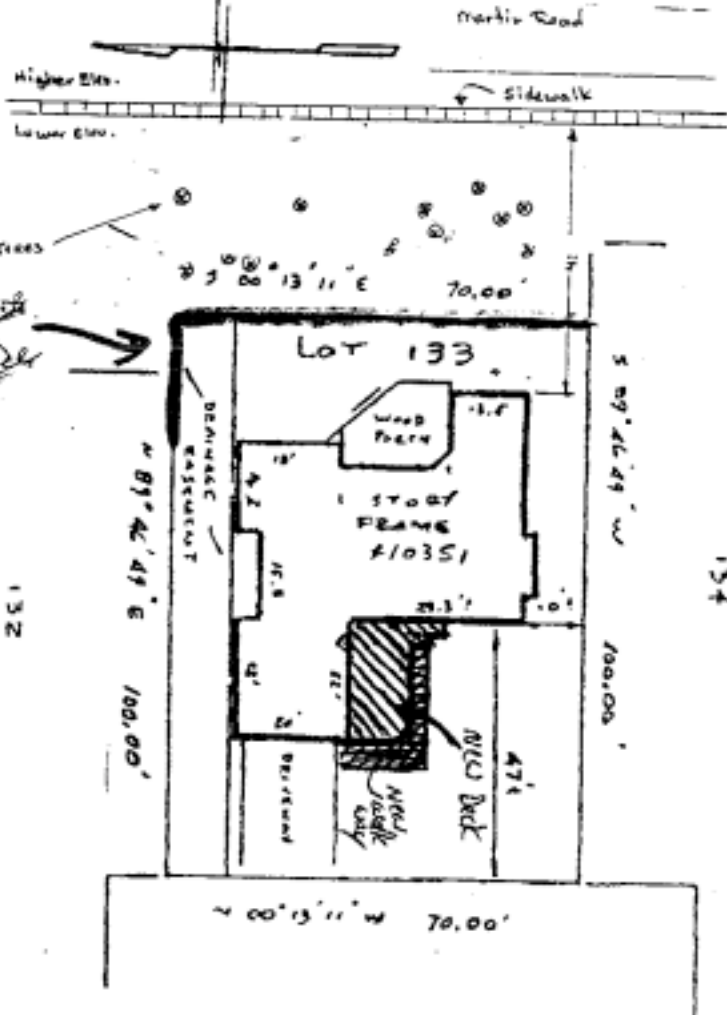
REC ASSOCIATES, INC.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Phone 442-2031

LOCATION SURVEY
10351 TAILCOAT WAY
COLUMBIA
5th ELECTION DISTRICT
HOWARD COUNTY, MD.

Scale	1" = 30'
Date	MAY 25, 1993
Field By	JS
Drawn By	JS
Drawn	K/44

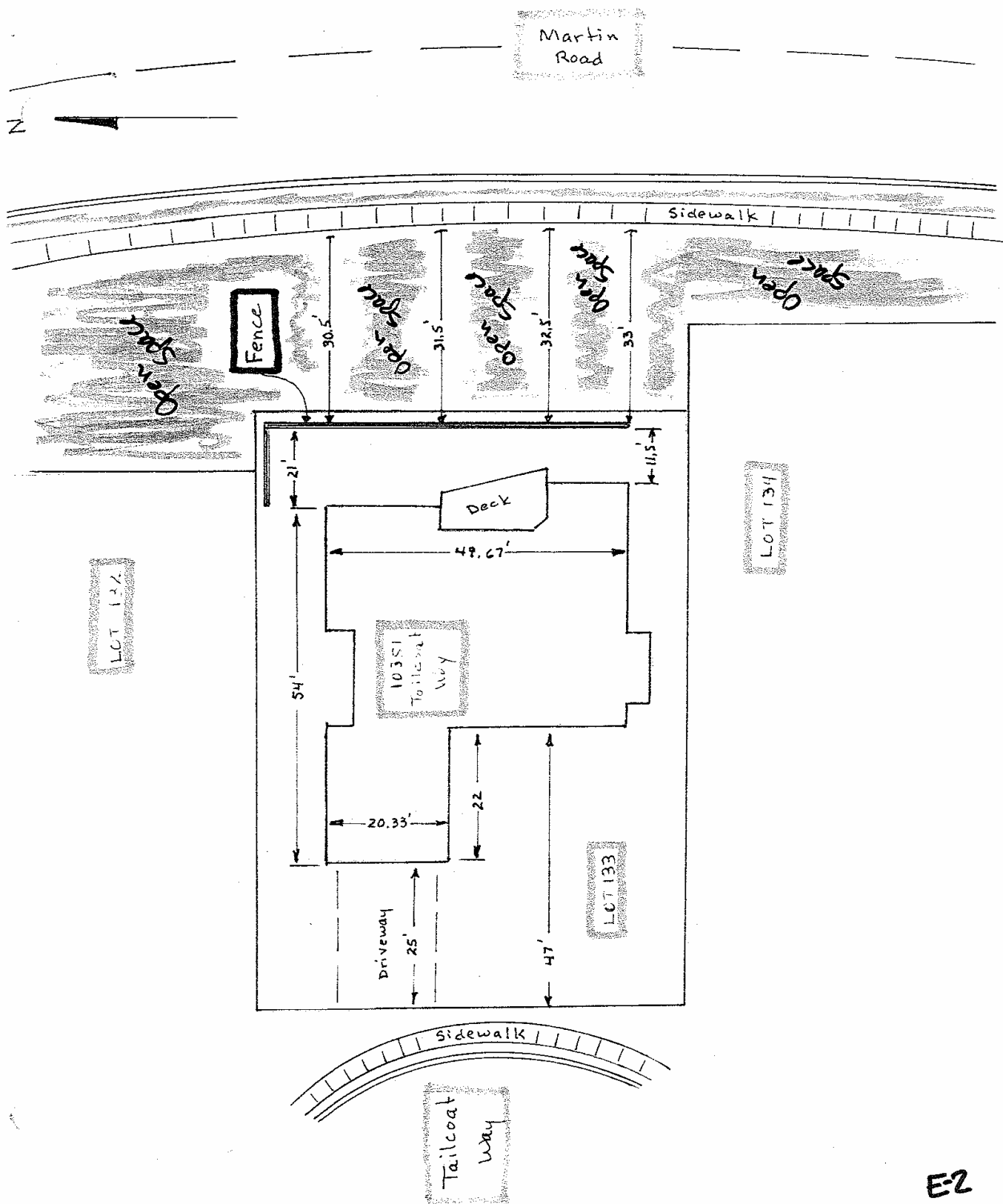
Subject property is shown in Zone 4
on the National Flood Insurance Program
Flood Insurance Map of Howard
County, Maryland, Title # 2004-00133
Community Panel # 2004-00133
Effective Date: DEC 4/1994

*fence line
including
side piece*



* Original Request
Ⓢ Amended Request

HR 4344



E-2

**ATTACHMENT F: STATEMENT OF
SUPPORT FROM NEIGHBORS**

SUPPLEMENT TO THE

APPLICATION FOR MINOR RESIDENTIAL STRUCTURES AND ADDITIONS
IN THE NEW TOWN, MXD OR PGCC ZONING DISTRICT
FOR CONCEPT SITE DEVELOPMENT PLAN
OR AMENDED SITE DEVELOPMENT PLAN

STATEMENT OF SUPPORT

I (We), the undersigned, the legal and fee simple owners and/or occupants of property which adjoins or is in proximity to the subject site, **10351 Tailcoat Way (Lot 133)**, referenced on the attached plot plan, do acknowledge the location and nature of the privacy fence noted in the attached Zoning Violation Formal Notice (i.e., Case Number ZC-07-077).

The purpose of my (our) signature(s) on this document is to indicate support for amending the applicable Site Development Plan to allow the noted privacy fence to remain and be maintained as is.

<u>Date</u>	<u>Name/Signature</u>	<u>Address</u>	<u>Lot No.</u>
9/8/07	by all owners of 10347	10347 Tailcoat Way, Columbia, MD	132
9/8/07	David P. Alford	10339 Tailcoat Way, Columbia, MD	130
9/8/07	Shen Su	10335 Tailcoat Way, Columbia, MD	129
9/8/07	Katherine, F. Wu	10346 Tailcoat Way, Columbia, MD	135
09/08/2007	J Wu	10346 TAILCOAT Way, Columbia, MD	135
9/8/07	Jama N. Oliver	10342 Tailcoat Way, Columbia, MD	136
9/8/07	Wang, J.	10340 Tailcoat Way, Columbia, MD	134
9/8/07	Eric J. Morton	10222 WESTWOOD DR. Columbia, MD	26
9/8/07	Art Shaw	6455 MARTIN RD COLUMBIA	8
9/8/07	Matthew G. G. P.	10209 Tanager Lane Columbia	10
9/8/07	Chuck Bolden	10221 WESTWOOD DR. Columbia	7
9/8/07	Grande Feldman	10241 Bradley Lane Columbia	27
9/8/07	Dei Anne	10326 Twinedew Pl. Columbia, MD	122
9/8/07	Mark M. G. P.	10325 Twinedew Pl. Columbia, MD	121
9/8/07	[Signature]	10338 TAILCOAT Way, Columbia, MD	137
9/8/07	Shirley Johnson (AKA Sheppard)	10322 Twinedew Pl, Columbia, MD	123
9/9/07	Jane A. Wiestern	10317 Twinedew Pl. "	119
On Vacation	Larry Bennett	10321 Twinedew Place	120
Renters	Joel Matteson	10343 Tailcoat Way	131